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**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WRIT PETITION NO. 312 /2003**

PETITIONER

Shashikiran Tirkey D/o
Agastia Tirkey
Aged about 19yrs, R/o Village-
Belkota P.S. Batouli Th-Seetapur
Dist. Surguja

VERSUS

RESPONDENTS

1. State of C.G. through Secretary Home Raipur (C.G.)
2. Station House Officer Police Station, Ambikapur (C.G.)
3. Superintendent of Police Surguja-Ambikapur (C.G.)
4. Dilkumar Uraon S/o Sri Etwaram Age 30yrs, Occu. - Police Constable under Superintendent of Police Ambikapur, R/o Belkota, P.S. Bataouli, Dist-Surguja (C.G.)
5. Mr. Bhagat S.D.O.P. Ambikapur, Dist.-Surguja (C.G.)
6. H.N. Singh, Head Constable P.S. Ambikapur, Dist.- Surguja (C.G.)

P. R. No. 2959/03
Presented by Shri P.C. Tiwari
dated 24.09.03

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24/9/03
CLERK TO A.G. BILASPUR

**WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA IN THE NATURE OF MANDAMUS AND CERTIORARI.**

**(01) PARTICULARS ABOUT THE PETITIONER:**

The details of the Petitioner are shown in the cause title.

(18)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक W.P.No. 3112/2003 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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**14/11/2003**

Smt. Hamida Siddiqui, counsel for the petitioner.

Shri Ranbir Singh, G.A. for the respondent/State.

Heard.

The case of the petitioner is that on 13/05/2002 when the petitioner was residing at Namnakala Ambikapur with her Nani, accused – Dilsai Uraon along with Brijesh Tiwari and Dil Kumar Uraon – respondent no.4 in this petition, who is a Police Constable at Police Station Ambikapur came to Namnakala and informed the petitioner that her father is ill and he has called her at Belkota. Believing the information the petitioner was sent by her Nani with Dilsai Uraon and Dilsai Uraon took the petitioner to Police Line, Ambikapur in the quarter of respondent no.4 – Dil Kumar Uraon where Daisay committed rape on the petitioner on several times. Dil Kumar Uraon – respondent no.4 and Brijesh Tiwari assisted Dilsai for committing rape on the petitioner and Dil Kumar Uraon and Brijesh Tiwari obtained the signatures of the petitioner on blank papers and when she went to lodge the report along with her father on 10/08/2002 to Dehati Thana Ambikapur, Police had refused to register the case against the police person and then on the next day i.e., 11/08/2002 she went to S.D.O. Mr. Bhagat, - respondent no.5,

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# आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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| | but he also refused to register the report then she went to Superintendent of Police, Ambikapur who directed the Police Station to register the first information report. In pursuance of that, when the petitioner along with her father went to Police Station, the police officers abused and harassed them and they threatened and said that the name of Dilkumar should not be entered in the first information report. Crime No.420/2002 was registered against all accused persons and after investigation disbelieving the statement of prosecutrix the clean chit has been given by the investigating officer to Dilkumar just because he was the employee of the Police Department and in final report the name of Dilkumr has been deleted from the list of accused and no charge sheet has been filed against Dilkumar whereas the case against Dilsai was made out under Section 376(G) of IPC. The respondent no 4 who is a driver of respondent no.5 at the time of commission of offence, has shown his duty and gave a false certificate regarding the duty. It is, therefore, prayed that the respondents be directed to charge-sheet against Dilkumar Oraon and Departmental Enquiry be instituted against respondents no. 4 and 5.<br><br>Having heard learned counsel for the petitioner, as far as the question of filing charge-sheet against respondent no.4 is concerned, | |

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित -3- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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| | the petitioner is at liberty to make an application ~~for complaint~~ before the Competent Court under the provisions of the Criminal Procedure Code, therefore, there is an alternative remedy available to the petitioner. So far as Departmental Enquiry is concerned, learned counsel for the petitioner submitted that the petitioner may be allowed to make a representation to the Director General of Police and he be directed to decide the representation to which the learned Government Advocate has no objection.<br>Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a representation raising all her grievances to the Director General of Police within a period of 15 days, who in turn, shall decide the said representation and take an appropriate decision in an objective manner and with a reasoned order within another one month.<br>With the aforesaid observations and directions, this writ petition is disposed of. Consequently, I.A.No. 9214/2003 for urgent stands disposed of.<br>Certified copy as per rules.<br>**Sd/-**<br>**L.C.BHADOO**<br>**Judge** | |

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